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Bringing the issues to the students since 1949

THE OPINION



Volume 36, No. 8

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

February 28, 1996

Keeping the Masses Divided

BLSA holds a forum on affirmative action

by Marla Pilaroschia, Reporter

In recognition of Black History Month, the Black Law Students Association presented a forum entitled "A Question on Affirmative Action" on Thursday, February 21 at 6pm.

LLs Shantelle Hughes, Nicole Fox and Ayoka Tucker opened the forum with a powerful recitation of the poem "Jim Crow, The Sequel" by June Jordan. This poem speaks of African-Americans still seeking equality and economic leverage, despite the Emancipation Proclamation, the Civil War and Constitutional amendments.

The Honorable Robert Russell of the Buffalo City Court was the first of five guest panelists. He discussed *Adarand Constructors v. Peña*, 115 S.Ct. 2097 (1995), challenging the constitutionality of Affirmative Action and its effect on minority-owned business. The Court held that all racial classification must be strictly analyzed by the reviewing court.

The Honorable Shirley Troutman, also with the Buffalo City Court, spoke about *Miller v. Johnson*, 115 S.Ct. 2475 (1995). Georgia residents questioned whether redistricting discriminated against minority voters. The petitioners sought an injunction against the further use of new districts in Congressional elections. The Court found that the district in question separated voters by race,

violating the equal protection clause.

The Honorable Jeanette Ogden with the Buffalo City Court discussed the elimination of the Affirmative Action program at the University of California. Currently, California only considers SAT scores and grades, not race in its admissions decisions. Students

from high schools in predominantly minority neighborhoods are at a disadvantage as their schools lack the resources of schools in wealthier districts.

Judge Ogden also spoke about the California legislature's consideration of a proposal to eliminate Affirmative Action programs in the state government. She at-

tributed this movement to fear that Affirmative Action allows African Americans to take all the jobs, and that African Americans use social programs to the deprivation of others. She introduced statistics disproving this fear and showing that many other groups benefit from Affirmative Action and social programs.

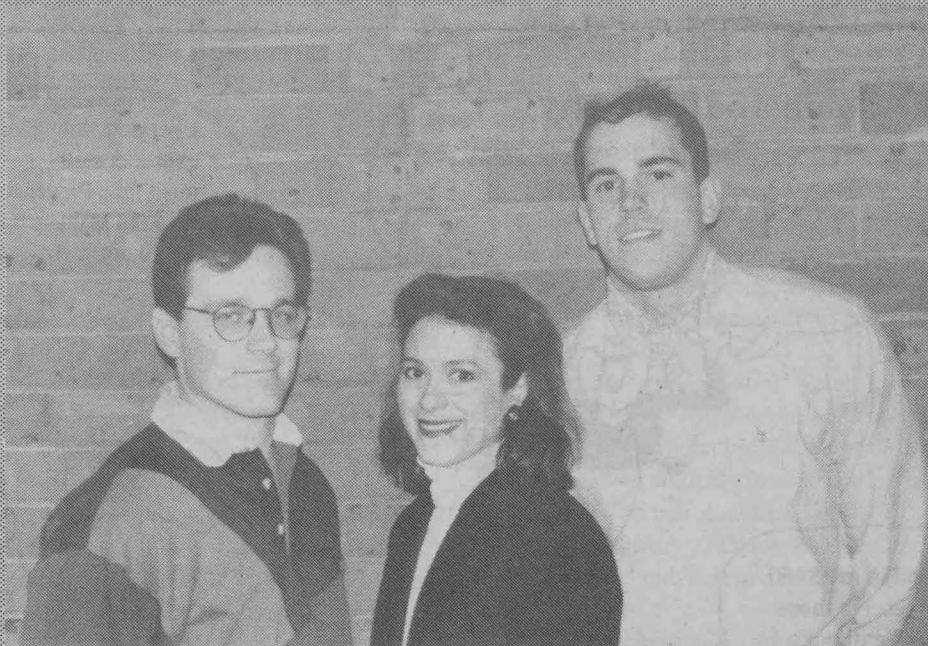
Judge Ogden commented that Affirmative Action is especially needed as the U.S. becomes competitive globally, and that those benefitting from Affirmative Action must work to ensure the program's continuance.

Erie County Legislator, Ms. Crystal Peoples next shared her views on Affirmative Action and Erie County's actions on the issue. Peoples believes that Affirmative Action is a "wedge," meaning an issue used to keep the masses divided. Peoples quoted Frederick Douglass, who said that "[t]he limits of tyrants are proscribed by the endurance of those whom they oppress."

Peoples stated that Erie County is committed to Affirmative Action, and Dennis Gorski recently reaffirmed this commitment. As a part of this program, Erie County has added another staff member to its Equal Opportunity office, as well as set aside ten percent of its budget for contracts with women and minority-owned businesses.

Ms. Shirley Sapp-Burgess, Director of Deputy Speaker Arthur Eve's Buffalo Office, was the final panelist. Sapp-Burgess noted that African Americans have brought many things to the table, including developing or improv-

UB Law team takes first place in regional moot court competition



ABOVE: THE WINNERS! Craig Brown, 3L, Jennifer Runfola, 3L, and Jim Grable, 3L. See story on page 3. Other moot court news, see page 6.

See Affirmative Action on page 11

SBA hears about PAD financial troubles

SBA unable to reach quorum; Treasurer: "We are running on the minimal"

by Kristin Greeley, Asst. News Editor

The SBA held an emergency meeting on Thursday, February 22 to discuss the financial situation of the SBA with regard to student groups.

Several class directors were unable to attend, as a result quorum was not met. Without quorum, the SBA would not be able to vote on any of the student groups' requests for funding. It was decided that another meeting would be held the following week in order to discuss these matters further and vote on them. The date and time of that meeting would be decided over the week-

end and posted two days before the meeting date outside of the SBA office.

The first major order of business was the financial status of Phi Alpha Delta Law Fraternity International ("PAD"). PAD received money from the SBA in order to publish its 1994-95 directory. In return for the loan, PAD agreed to reimburse the SBA when it received compensation from the directory's advertisers.

As of Feb. 22, the SBA was forced to freeze the PAD budget to ensure that the loan made last year was reimbursed because the advertising fees have not been paid. Molly Kocalski, PAD President,

said that the group is investigating the matter. Mercedes Lindao, SBA treasurer, and Ben Dwyer asked to be included in the investigation.

"We are telling the advertisers that we are having an audit and requesting copies of cancelled checks and other records...I talked with two of the advertisers today and both of them seemed surprised that I was calling," Kocalski said.

So far, no allegations of misconduct have been made. However, the 1995-96 PAD directory will not be published. The entire SBA agreed with President George HamBoussi's statement to support PAD in whatever the PAD investigation uncovers.

The next major order of business discussed was the SBA's own financial situation. There were a lot of discrepancies in this year's SBA budget. "A lot of items were underbudgeted and only two were overbudgeted. Basically, we are running on the minimal. The only thing the board has to work with is the \$5500 lecture budget," said SBA treasurer Mercedes Lindao.

The major error was the allotment for the accounting contract, which was only budgeted at about \$10,000. Accounting will in fact cost over \$16,000, producing a \$6200 deficit. Another money drain is that student groups do not have to pay for copies made

on the SBA's copier, this is more costly than last year's SBA anticipated.

Past SBA President Ben Dwyer explained that these discrepancies occurred as a result of the budgeting process. "We overestimated the expected revenues. What happened was that cash sales [funds from bake sales, etc.] were double counted. So the estimated budgets for student groups were larger. There is a lot of money tied up. It seems like there is a crisis because money is tied up,

See SBA on page 11

Follies and Fumbles

Greg Mattacola

Columnist

Dead Elephants can't slow down

All right then. This column has been around for some time now. The few people who do read it have come to know what to expect. Sports. Politics. Sarcasm. Futile attempts at humor. It isn't too complicated. I'm now going to switch gears somewhat and discuss a new topic. But first, I have to briefly give the Fumbles and Follies faithful their fix. Say that five times fast.

DEADELEPHANTS. I couldn't write this column without a short commentary on the Republican Primaries. I searched for a way to eloquently summarize it thus far, but could not. Yet, the late, great Jerry Garcia had the right words as always. On the subject of voting, Uncle Jerry once said, "constantly choosing the lesser of two evils is still choosing evil." I can't add anything better but I will say this; if the Republican voters are dumb enough to nominate Pat Buchanan, then Bill Clinton will win in a landslide. If it is Bob Dole, Clinton still has a great shot at winning, a much better chance than his record deserves. I truly think Lamar Alexander has the best opportunity to beat the President. I'm not even talking about credentials here, I'm referring to personal-

ity. Like it or not, it wins elections. Dole doesn't have one. Buchanan borrowed Hitler's. Alexander isn't bad. Give it some thought.

SLOW DOWN. Now it's time to take it down a couple of notches. One thing that's apparent about law school is the intensity, even in this liberal haven. Upon asking a student why he wasn't going to the Barrister's Ball, I was told that he has way too many things to do and fun just isn't one of them right now. Anyone that knows me can guess what I think of that, but for the moment, I will not comment. I will just relay two stories, one of which people may know of, the other I'm sure they don't.

Travis Roy is a freshman at Boston University. He was raised in Maine and like many New Englanders, grew up on hockey. He was a heavily recruited high school senior and chose to go to BU, last year's National Champion. Roy wanted to contribute instantly to the team. He went to college months before he could even live in the dorms, rented a room and never left the weight room. His work paid off. He was awarded the opportunity of dressing for the

season opener, the game when last year's championship banner was hung. It was an honor for a freshman and Roy's whole family was there. After Boston led off with a goal, Travis went out for his first shift. Eleven seconds later, on a routine check, he lost his balance and went head first into the boards. The fourth vertebra was shattered and Roy is now paralyzed from the shoulders down. When his father came out on the ice, Travis said "Dad, I'm in big trouble. I can't feel anything. But, I made it."

The second story is about a young woman named Heather. I graduated with her at St. Bonaventure. I served on student government with her. We hung out with some of the same people and enjoyed a few beers together on a couple of occasions. I just spoke to an old housemate of mine who told me that Heather recently died from cancer. Apparently, she had been suffering from it all through college and it finally overcame her. I never even knew she had cancer, nor did most people. This was a very bright, energetic girl who was always smiling. She was involved in everything and was always on top of her school work. She was the last person you'd think this would

happen to. I know what a cliché that sounds like but it's true.

What is my point in telling you about Travis and Heather, two people you probably have never heard of and only one of whom I've met? It's not to say that you should be putting forth any less effort in achieving your goals. Everyone has their studies, their moot courts, their law reviews, their clerk jobs, etc. And we all go a little crazy with these things. I'm as guilty as the next person. Why do we do it? Because we all have our dreams and strive to reach them every day. Yet, we have to ease off once in a while. I'm pretty sure Travis Roy would give anything to hit another puck, but he can't. Heather left before she got to realize many of her dreams. Heather and Travis felt the same as you and I do every day. 'I have to do this, then this, and oh yeah I can't forget that. Then I can relax.' Yet that time to relax doesn't ever come. You have to take it. It's okay, the work will still be there. It won't ever go away but the good times just might. So call an old friend. Go listen to that band. Whatever. Just ease up and look around once in a while. There's a lot to see.

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Always Darkest Before the Dawn

Public interest symposium focuses on job prospects

by Steven Bachmann Dietz,
Managing Editor

Students interested in public interest law got some needed encouragement at the annual The Public Interest/Public Service Legal Career Symposium at New York University February 15-16.

The symposium featured scheduled job interviews, information tables staffed by public interest organizations and government employers and panels of public interest and government attorneys sharing their experience and giving advice on finding employment.

Panelists at the symposium said there are public interest law jobs out there, but you have to be creative and persistent to find them.

Some of the panelists emphasized networking. According to Andrew Dwyer, an attorney for Reinhardt & Schachter, New York, N.Y., the public interest bar is a tiny, elite club.

"Any job I've got since I graduated from law school I got because I knew somebody," Dwyer said.

Another panelist, Lois Bloom, a 1985 UB Law graduate who works as a clerk in the pro-se office of the U.S. District Court, Southern District of New York,

emphasized the importance of letting prospective employers know about the virtues of your law school.

"You have to sell your own law school," Bloom said. "I'm very loyal to my law school."

Bloom also emphasized that many public interest jobs don't get funding far in advance and there are many public interest jobs, including the ones she now has, that aren't well-known.

Joseph Hughes an attorney for

Michigan Migrant Legal Services, another alumnus of UB Law School, recommended students take any public interest courses available. He said that if you have the right credentials a job may be created. He also said that fluency in a foreign language is also very valuable.

"Sixty percent of my clients speak only Spanish," Hughes said.

Other panelists stressed the importance of taking clinics. They also stressed the importance of persistence.

"If you don't find anything right away don't be discouraged," Karen Lin of Lassner & Kubichek, New York, N.Y. She said that if you can't find public interest work right away, you should take a job that will help hone your litigation skills.

Audrey Koscielniak, Assistant Dean for Career Development, who attended the conference said that students looking for such jobs should not get discouraged if they get no job offers.

"It's because of the job market," she said. "It's not a reflection of themselves. I can only say 'hang in there'."

"This is the toughest moment for public interest law in 27 years," Jane Greengold Stevens of Brooklyn Legal Services said.

With the House and Senate Republican budget plans threatening to phase out funding for the Legal Services Corporation, (LSC), which provides the funding for offices that assist low-income people nationwide, these offices

have had to become creative in finding sources for funding, Stevens said. She said that many legal service agencies are creating separate units that get funded independently of LSC.

One potential answer to this dilemma was explored on a panel on private employment.

"Privatization is the wave of the future," said Edward Kramer, the founder of Housing Advocates, Inc. of Cleveland, Ohio. He spoke of his interest in doing public interest housing law while a law student. The problem was there was no public interest law firm in Cleveland at the time. Undaunted, he founded a Law and Housing Journal at the Law school, joined the ABA and networked.

After graduation, he founded Housing Advocates, Inc. Soon he also founded Kramer & Associates, (now Kramer & Niemann, LPA) a civil rights litigation firm. Sensing a need for affordable videotaping of depositions, he founded Attorneys Services, Inc.

Describing the opportunities at a privately owned public interest firm, Kramer said that the attorney will work hard, but he will make a decent living.

Another attorney who founded a privately owned public

interest firm, Frank Handleman, said that he was very excited about the law students he sees seeking public interest work. They have the potential to take public interest law way beyond the level it is now, he said.

He reflected on his own training at NYU Law School in the early 1970s and the lesson the dean told him.

"Law is a service profession," Handleman said.

Participants from UB Law were enthusiastic about the conference.

"It was a great thing for people to go to," Ed Elder, 3L, said. He praised the symposium for the opportunity to talk to people in the public interest field and speaking to employers from across the country.

"The panels were quite good," Sean Shannon, 2L, said. "There are jobs out there you just have to go look for them." Shannon attended the symposium on the behalf of the Career Development office.

Koscielniak said the participation from UB Law students in this year's symposium was very strong. She said that they were a very impressive group of candidates.

**"You have to
sell your own
law school"
-Lois Bloom,
UB Law, '85**

News Briefs

Criminal Law Society holds 1st meeting

First-year student Nathan Van Loon has begun paving the way for the future of criminal law at UB. Two weeks ago, the first meeting of the Criminal Law Society was held, and the group promises to be the first of many outlets for students interested in all aspects of criminal law.

The meeting, which brought a modest turnout, was a forum for discussion of the group's future and goals. Among the items of interest were having speakers come to UB on a regular basis to discuss recent issues in the field, a variety of summer internship ideas, and lobbying for an expansion of the criminal law curriculum. The group would like to see a concentration available in the area of criminal law.

The Criminal Law Society is already active, bringing Supreme Court Judge Barbara Howe to speak about alternatives to incarceration yesterday in Room 109.

Fire in the Dorm

On Sunday, February 25, there was a fire in Clinton Hall, the graduate residence hall where about 30 law students live. At about 6 a.m., a bulletin board outside resident advisor Cem Ozer's room was set on fire. Ozer extinguished the fire with his pillow.

Students were evacuated for about a half hour.

Mike Plochocki, 2L, who lives below Ozer, was awakened by his resident advisor, Wilfred Anigekwu, and smoke. "This is the first 'fire drill' in my life where I was really scared," Plochocki said.

Robinson acquitted of Kashuba murder

Michael Robinson II was acquitted February 14 of murdering Buffalo State college student Wendy Kashuba.

The jury deliberated for 65 minutes before coming to a verdict. After the verdict, Robinson thanked the jury for believing in him.

Prosecutors claimed at the trial that Robinson had murdered Kashuba, then enlisted former Buffalo drug dealer and bank robber Kurt Bogardus to help him bury the body. Bogardus testified at the trial under grant of immunity. Bogardus had led police to the body.

Robinson testified that Bogardus broke into his apartment in a rage, looking for one of Robinson's relatives and struck Kashuba, killing her. Bogardus then threatened to kill him and his sister if he talked to police.

Bogardus won't be charged with the killing because he was granted immunity. District Attorney Kevin Dillon also said there was no evidence that Bogardus had killed Kashuba aside from Robinson's story.

Relatives of Kashuba wept after the verdict.

"I feel that the truth doesn't set you free," Sheryl Kashuba, a cousin said. "Money does."

Trial Technique Team Wins Regionals

by Kristin Greeley, Asst. News Editor

UB Law's trial technique team of 3L Jim Grable, 3L Craig Brown, and 3L Jennifer Runfola placed first out of 22 teams at the regionals of the National Trial Competition. The four-day competition was held February 6 - 10 in Albany.

All three students took Trial Technique last semester. Any student who earned an "H" in the class was eligible to try out for the team. Seven students from UB went to the regionals. Their coaches were Assistant District Attorneys Diane LaValle and Tim Fronczak and defense attorney Bob Murphy.

"The coaches were great...The time they put in was unbelievable. They taught us so much," said Jim Grable. The team worked with the coaches about three hours

a day and an additional three hours on their own throughout exams and January.

The competition required the participants to have mock trials from start to finish. Each team was guaranteed three preliminary trials. The winners then moved on to the quarterfinals, semifinals and finals.

Craig Brown, who won all five of his trials, was named Outstanding Advocate of the Competition. "He's a machine," Grable said. Brown and Runfola beat Brooklyn Law School in the finals to win the title.

The team goes to Houston on March 20-24 for the national competition. They will be competing against 15 other teams from the eight regions around the country.

"It's been a blast. I've learned as much doing this as I have in class," said Grable.

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THE OPINION



Volume 36, No. 8

Founded 1949

February 28, 1996

Samuel S. Chi
Editor-in-ChiefSteven Bachmann Dietz
Managing Editor**EDITORIAL:****Heil Buchanan!**

The Buchanan phenomenon has upended the pundits' expectations about the kind of convention we can expect from the Republicans. The coronation of Bob Dole has, at least for the time being, been put on hold. There is talk now of an open convention, multiple ballots and real suspense, not like we have seen since the 1950s.

Pat Buchanan's candidacy has also changed the issues being discussed by the candidates. Suddenly, the candidates are not competing with each other to devise a tax code that will drain the most money possible from the national treasury. Dole was shocked -- **shocked** to find that average Americans were worried about corporate downsizing and the state of the economy.

Whatever one thinks of free trade, it is good to find a candidate willing to challenge economic orthodoxy on this matter. After all, Japan has built a mighty economic engine using economic nationalism as a model. The benefits of NAFTA have been elusive so far. Buffalo is still waiting for the import/export jobs that were promised as a result of the free trade agreement with Canada. Our trade policy should not be something beyond discussion.

Even if Buchanan is totally wrong about the benefits of economic nationalism, the fact remains that millions of Americans were opposed to NAFTA and GATT. Until Buchanan came along even the Democrats had fallen silent on the consequences of corporate greed, another issue many ordinary voters find compelling. It would not be healthy for those millions to be without a voice anytime during the election process.

Unfortunately, there is more to Pat Buchanan than his economic message. The wall that he wants to build around this country would not only protect our industries, but keep immigrants out. If immigration was the problem, then we would be a pauper nation rather than one of the richest on earth. We are a nation of immigrants, and even today they help keep our economic engines running.

Then there is a question of the company he keeps. Larry Pratt, the co-chairman of his campaign was forced to resign when the Center for Public Integrity released a report alleging he had appeared at numerous pro-gun rallies with leaders from the Aryan Nations, the Ku Klux Klan and the United States Militia Organization. This is not reassuring, when Buchanan's past inflammatory rhetoric about blacks, Israel and homosexuals is taken into account.

Pat Buchanan is an intelligent man. How many other presidential candidates have quoted T.S. Eliot on the stump? But not every intelligent man has the judgment and character to be President of the United States.

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Submissions may either be sent to *The Opinion* at the above noted address, dropped off under *The Opinion* office door (room 724 O'Brien Hall), or placed in Box #640 on the third floor of O'Brien Hall. All copy must be typed, double-spaced, and submitted on paper and on a computer disk (IBM-WordPerfect 5.1). Letters are best when written as a part of a dialogue and must be no more than two pages double-spaced. Perspectives are generally opinion articles concerning topics of interest to the law school community and must be no more than four pages double-spaced. *The Opinion* reads and appreciates every letter and Perspective we receive; we reserve the right to edit any and all submissions for space as necessary and also for libelous content. *The Opinion* will not publish unsigned submissions. We will return your disks to your campus mailbox or to a private mailbox if a self-addressed stamped envelope is provided.

The Opinion is dedicated to provide a forum for the free exchange of ideas. As a result, the views expressed in this newspaper are not necessarily those of the Editors or Staff of *The Opinion*.

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-- The First Amendment

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Graphic by Len Opanashuk

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Send your submissions to *The Opinion* office or place them in box 640



To the Editor:

I wanted to thank you for printing Craig Hurley-Leslie's essay about my husband, Chris Dubrule. Chris was truly a wonderful individual; he was a compassionate person with an abiding interest in justice. He valued people for who they were, whatever their circumstances. I believe he would have been a fine lawyer.

I also wanted to thank everyone at UB Law for their kindness and concern during this difficult time. The outpouring of support has been invaluable to me as well as Chris' family. Although I appreciate the SBA's generosity in offering to help me with expenses, I really do not need such financial support. Rather, I would prefer that any donations be used to build a scholarship fund as mentioned in the editor's note.

Again, thank you for your support and concern.

Mary Prendergast-Dubrule

To the Editor:

Last semester, a number of books were taken from a box sitting in front of Room 8 in the basement. These books were related to topics involving Religion and Law.

Because the books were sitting in the hallway, it is possible for someone to have mistaken them as being intended to be thrown out. Please understand that this was not the case. Those books are very important to me.

If anyone has any information regarding where these books might be, please contact me at 834-9398 or in box #99 at the law school. I am not looking to get anyone in trouble, I would just like my books back.

Thank you.

Sincerely,

Mike Grainger, 2L

Perspective

Rob Smith, SOLAR's Wildlife Director

Wildlife wins one

After more than a year of extensive research, lobbying, and coalition building, Students Of Law for Animal Rights (SOLAR) has successfully convinced the State University of New York at Buffalo to adopt a Campus Wildlife Protection Policy. This is a huge victory for the student body, campus wildlife, and the environment. SOLAR's effort to protect campus pigeons and other wildlife gained the support of 21 campus organizations and 3 community organizations including the Undergraduate Student Association, Student Bar Association, Animal Defense League, and National Lawyers Guild. In the Summer of 1995, the University Administrative Group officially enacted the Campus Wildlife Protection Policy written by SOLAR, after the policy received a unanimous endorsement from the University's Environmental Task Force.

For several years prior to SOLAR's campaign to compel the enactment of a Campus Wildlife Protection Policy, the University contracted an exterminator to place Avitrol, a deadly nerve-system poison, in food left on rooftops for birds to

consume. The Environmental Protection Agency's (EPA) report on Avitrol identifies it as a highly toxic poison and classifies it as a restricted-use pesticide, not available to the general public. Birds that eat the poisoned food go into convulsions and normally die a slow and excruciatingly painful death. The use of Avitrol by the University in the past not only placed the health of the University community and environment at risk, but also posed a deadly threat to several species of protected hawks and migratory songbirds known to frequent the University area.

In the event that a bird or other wildlife over-population problem ever exists on campus, there are numerous non-lethal and chemical-free alternatives that are both more effective and less costly than dangerous chemicals and pesticides.

SOLAR is currently concerned that the Wildlife Protection Policy may have been or could easily be violated, since the University staff that deals with wildlife issues are completely unaware of the policy. After recent conversations with Dick

Cudeck and Bill Murray from Academic Custodial Services, SOLAR was shocked to discover that one individual only knew that birds could not be killed and the other was completely unaware of the existence of the official policy. Both Mr. Cudeck and Mr. Murray are currently looking into deterring pigeons from perching near President Greiner's and other boxes at the new Amherst Campus stadium. Although both individuals stated that they were personally opposed to the use of lethal control methods, these are precisely the staff members that University officials should have informed of the policy. As SOLAR's Wildlife Director, I have sent information and research to Custodial Services on safe and effective methods of deterring birds from roosting.

A credible University staff member also informed SOLAR that s/he has been told on several occasions that when some University electricians work on rooftop air conditioning units, "They take nets and will capture and kill any birds they find." Whether this inhumane and flagrant viola-

tion of the policy is ongoing is not known, yet it is doubtful that University electricians were ever informed of the policy.

After an inquiry to University Facilities and the University's Environmental Task Force, SOLAR was informed that the Campus Wildlife Protection Policy was distributed to the six Directors of University Facilities Departments. Although SOLAR has been assured that the policy is being enforced, it seems apparent that the University has failed to adequately inform its staff, particularly those that deal with wildlife issues, of this important official policy.

SOLAR's primary concern at this point is to ensure that the University does not use any pesticides or lethal means of control in contravention of this recent policy or attempt to alter the policy without providing for participation and input from students and campus organizations as is required by the policy. SOLAR is sending letters requesting that the University staff be made aware of the policy immediately.

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Spring 1996

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No. 11	Apr. 12 (Fri.)	Apr. 17 (Wed.)
No. 12	Apr. 26 (Fri.)	May 1 (Wed.)

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Buchanan mucking up Republican Party

Conservative commentator Pat Buchanan narrowly won the New Hampshire Primary Feb. 21, beginning what some commentators are calling a war for the control of the Republican Party.

Buchanan, who has been combining populist attacks on big business and free trade with social conservatism, says he seeks to open the party to blue collar votes. However, critics accused him of flirting with racism, anti-Semitism and homophobia.

Sen. Majority Leader Bob Dole, who ran second, said the primary had cast the GOP contest as "a race between the mainstream and the extreme."

Lamar Alexander finished a close third, running strongly among party moderates.

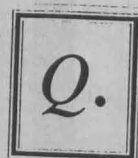
Alexander challenged Dole to step aside and let him and Buchanan debate the future of the party.

Buchanan received 56,923 votes (27%); Dole received 54,814 votes (26%); Lamar Alexander received 47,214 votes (23%); Steve Forbes received 25,489 votes (12%); Sen. Richard Lugar received 10,743 votes (5%) and Alan Keyes received 5,531 votes (3%).

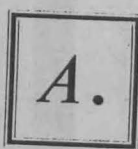
Delaware also held a primary Feb. 24. Voters there awarded the victory to Steve Forbes, was one of only two Presidential candidates to visit the state. The other candidate, Keyes, also had a stronger showing there than in New Hampshire.

Forbes received 33 percent of the vote, Dole 27 percent, Buchanan 19 percent, Alexander 13 percent, Keyes 5 percent and Lugar 2 percent.

Sources: The Buffalo News and New York Times



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Jessup team faces obstacles

Defeat snatched from the jaws of victory

by Jessica Murphy, News Editor

The New York Law School hosted the Atlantic Regional Competition of the 1996 Philip C. Jessup International Law Moot Court competition, on February 9-11, 1996. The UB Law team ran into some technical difficulties, but succeeded nevertheless.

The team members were: Marianne Pansa 2L, William McDonald 2L, Eric Dawson 3L, and Michael Plochocki 2L. The team was undefeated, advancing to semi-final competition which included a win over the Harvard Law team. In semi-finals, the UB Law team succumbed to the Columbia Law team, the ultimate winners of the tournament.

2L team member, Michael Plochocki, explained that two big mis-

takes occurred. "An updated fact pattern never reached the UB law team prior to competition, although every other team received this information. And, when the problem was brought to attention of tournament coordinators, at first they were very sympathetic to us, but then they abruptly changed their minds, and verbally attacked us, and told us [the UB team] it was our fault. The reason being was that the UB team should have contacted the national office about any changes, but every other team, whether they contacted the national office or not, had received the updates. In the past, UB has also received the courtesy of such updating."

Plochoki further said, "Also, the UB Law team was treated as a fourth place competitor at the end of the

preliminary rounds, as opposed to their rightful rank of second place. UB was denied the option to choose which side of the case to argue, and as a result had to compete against the first place team...Despite the odds, UB nearly upset the tournament winners, Columbia University."

The UB Law team brief placed fourth overall in a field of twelve, and the team itself placed within the top four spots of the tournament.

Peter Beadle, 3L and Executive Director of Jessup Board, "I'm very proud of our team. There were some problems in the administration of the tournament which our team was unable to overcome, and go undefeated in the preliminary rounds. This was

our best showing at a Regional in three years."

Two UB team members were named in the Tournament's top ten oralists. William McDonald ranked eighth best oralist, and Michael Plochocki ranked ninth best oralist.

Plochocki said, "Had these mistakes not occurred, we [all members of the regional team] believe we would have had a reasonable shot at beating Columbia for the top spot. Given all of our hardships, we are still very proud of our accomplishments. In the preliminary rounds, we were ranked second because we were one of only two teams to be undefeated entering semi-final competition. The other undefeated team was Columbia."

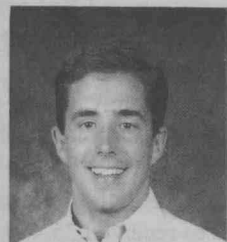
UB team sweeps national tournament

Desmond Moot Court Board hosts Mugel Competition

by Jessica Murphy, News Editor

This past weekend, February 22-24, 1996, the Desmond Moot Court Board hosted the 1996 Albert R. Mugel National Tax competition. Sixteen teams competed, representing eleven schools, UB, Ohio State, Southern Methodist University, University of Toledo College of Law, University of Missouri-Kansas City, University of Baltimore, University of Detroit Mercy Law School, Rutgers-Camden School of Law, Detroit College of Law at Michigan State University, St. John's University School of Law, and the Salmon P. Chase College of Law.

UB Law 3L's Sean Kennedy and John Crowe won first place. 3L Mesheba Rourke also helped write the brief the team submitted. Their brief took first place overall.



John Crowe, 3L

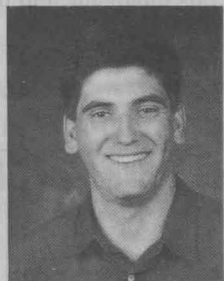
The final round of competition was between UB Law and the Chase School of Law team.

UB was represented by two teams. The other team was comprised of Michele Owdienko, and Craig Brown.

Competitors argued at City Court in downtown Buffalo on Thursday and Friday, and at County Court on Satur-

day. Social gatherings for the competitors were held at the Calumet Cafe and House of Quinn on Chippewa Street. The competition banquet was held at the Radisson Suite Hotel.

3L David Hastings was Tournament Director, said "I was extremely happy with the results, this was a testament to the strength of the tax program at UB. We have a strong teaching staff at UB, and our finish demonstrates what a solid background UB students and grads have. Our having access to teachers of this caliber shows how well prepared we were to argue



Sean Kennedy, 3L

complex tax issues. The final round judges were: UB Law Professor Albert R. Mugel (Professor Mugel had to recuse himself), Hon. Leslie G.



Mesheba Rourke, 3L

Foschio, U.S. District Court Magistrate (W.D.N.Y.), Hon. Johnathon Feldman--U.S. District Court Magistrate (W.D.N.Y.), Tammie Schultz, local practitioner, Kenneth Payment, a Rochester Tax Attorney, John Steele IRS District Counsel, and Hon. John Pajack, U.S. Tax Court from Washington DC. We'd like to thank all of the judges from the legal community, especially Profes-

sor James Wooten, who deserves a special thanks for his overall saving the day for us in many ways."

This competition is named for a current UB law professor, Albert Mugel, who specializes in tax. He teaches a class, and is highly respected in the tax field. Hastings said, "It was through his participation that we had access to the caliber of judges ranging from local practitioners to a US tax court judge from Washington, DC."

Jen Lyons, 3L, served as Assistant Tournament Director. Tournament Hospitality Co-Chair, 2L Melissa Hancock said, "The tournament came together well. All board members contributed admirably despite contending with heavy academic and outside work loads."

Jessup hosts regional competition



ABOVE: UB Law Jessup team members Prudent Fong, 2L, Scott Philbin, 2L, Peter Beadle, 3L, Kathryn Lee, 2L, and Kristine Karle, 2L

The Jessup Moot Court Board hosted the North East Regional Competition of 1996 Philip C. Jessup Tournament the weekend of February 16 - 18, 1996. The competition rounds were held at the Old County Hall in downtown Buffalo.

Two person teams represented Fordham, Cornell, Albany, Syracuse, Pace, New England School of Law. Due to a team drop, Pace Law actually had one competitor, 3L Gina Valeri, who successfully advocated all of the components traditionally argued by the two person teams throughout the preliminary rounds. With her valiant effort, Valeri saved Pace from a two year penalty which would have prevented the school from competing in any International Moot Court Tournament for the next two years. The team which eventually took the tournament was Fordham University.

Jessup Teams to go on road trip

"It's been over twenty years since we sent a team to the Niagara Cup. Our return this year marks the beginning of a new Jessup tradition." said Peter Beadle.

The Niagara Cup tournament will be held March 1-3, 1996, at Case Western Reserve University School of Law in Cleveland, Ohio.

The tournament focuses on legal disputes between the U.S. and Canada. This year, the dispute revolves around salmon fishing rights between Washington State and British Columbia.

The UB Law team will be represented by 2Ls Kathryn Lee, Daniela Almeida-Quigg, Gilardo Michel Garcia, and Mary Raymond.

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Making that transition

*New professor brings a variety of experiences to bear at UB Law**by David Fitch, Asst. Features Editor*

Despite growing up in the hot climate of northeast Texas, the cold, wet weather of the North is nothing new to Professor James Wooten, one of two Fall 1995 additions to the law school's faculty.

After finishing his undergraduate work at Rice University in Houston, Professor Wooten settled at the University of Chicago for graduate work in anthropology. "A really intense place," he remembers with a laugh.

After a few years in the program, Professor Wooten decided to follow in the footsteps of some grad school friends and concluded his studies to become a paralegal at a local law firm. In just over a year, he had decided to go on to law school and was subsequently accepted at Yale in an American Studies PhD/JD joint degree program. "I liked learning... Yale was a nice place [and I] was happy to be there," he says regarding his return to school.

Upon completing his JD and a couple of years of work on his American Studies doctorate, Professor Wooten took a job in the early 1990s with a Washington, D.C. law firm. While concentrating in labor, pension/employee benefits, and bankruptcy law, he found he enjoyed practicing the law.

However, after just a year as an associate, a hard-to-resist opportunity to return to academic life presented

itself. With a fellowship to complete his dissertation for his doctorate, Professor Wooten returned to Yale. "All other things being equal, it would have been nice to have spent a few more years [practicing] because it was a great firm and I learned a tremendous amount."

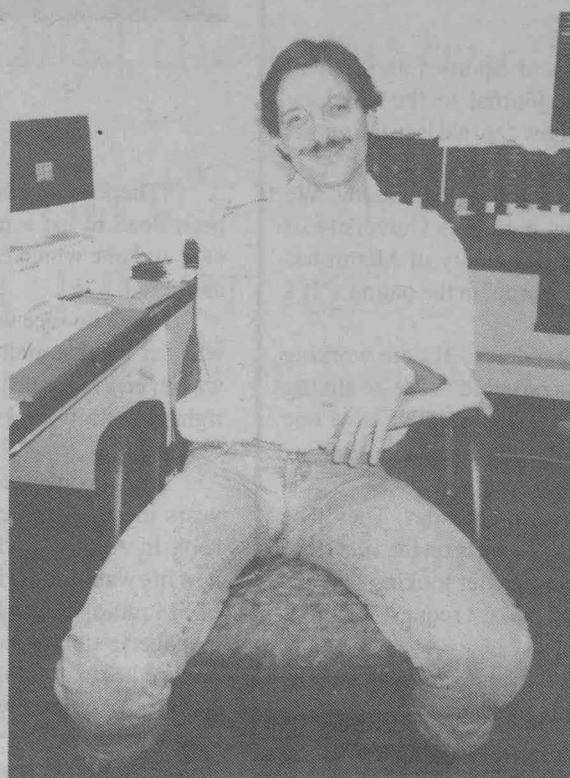
Once back in New Haven, it didn't take long before Professor Wooten was contemplating yet another move. In 1994, he applied to law schools around the country for a teaching position. "I had taught English Literature a few summers at Houston Community College and T.A.'d at the University of Chicago and Yale," he says looking back on his decision to go into teaching. "Teaching is what I liked to do."

Despite never having been here before, the University at Buffalo was high on Professor Wooten's list. "I had read [Professor] Frank Munger's [and Professor] Jim Atleson's work... and I knew Professor Finley, who had actually taught me Torts at Yale."

After interviewing here in January of 1995, Professor Wooten was

offered one of the new professor positions later that spring. He says that he "was really excited to have an opportunity to come [here] because... I do mostly political history scholarship, and a lot of places want something that's more traditionally law looking."

"[The University at Buffalo] is a place I could come and I didn't have to explain that I think it's really important that [a certain]... provision



Professor James Wooten

got into the legislation as a political matter as opposed to a little narrower vision," he adds.

Professor Wooten moved to Buffalo last summer and taught Employee Benefit Law during the fall semester. He is currently teaching Bankruptcy and a seminar involving the "politics of legislative innovation" entitled *Where Do Laws Come From?*.

And how does he like being a professor of law thus far? "It's hard to start anything new. [Especially to] go from sitting around in front of a computer all day to standing in front of 65 people trying to explain something," he says with a smile.

He's quick to add that UB has "been a great place to make that transition. People have helped me in anyway they could. The students have been great about volunteering suggestions and that has been really helpful."

Although the future is never set in stone, Professor Wooten doesn't see himself doing anything else soon. He is in the final stages of completing his dissertation and will then settle solely into the role of professor. "I plan on doing this for a long time."

Law as a Means, Not an End

The CDO can help with a career outside of law

by Sean Shannon, Special to the Opinion

Stop for a minute and think. What do you really want to do with your life after law school? Don't worry, you need not respond with a quick justification or affirmation of your existence or career choice. Rather pause for a moment. Give the question serious thought.

If you want to walk in the steps of the great jurists and practice law, kudos to you. The law is a noble profession and UB graduates are highly respected. However, if you are not quite sure about law as your goal (and many law students fall into this category) that's fine, too. Some consider thoughtful indecision a weakness, but in this case, it is a strength.

Jumping into law as a career is not something to be done lightly. Some of the doubts law students have are the reasonable jitters a novice feels when entering an established profession. Most of us are no more than babes in the woods when it comes to being a lawyer. However, for some law students, the doubts about practicing law after graduation are much stronger.

Just like being a doctor, being a lawyer is not for everyone. It's not that you can't do it, but maybe your soul is

not into practicing law and you believe there is something else for you to spend the rest of your life doing. The legal newspapers are filled with articles about unhappy lawyers tired of worrying about billable hours and struggling to become partner. Like any stressful profession, there are major quality of life issues which lawyers



Sean Shannon, 2L

and prospective lawyers must face. Choosing a career is not an abstract question, it is a life decision. As a result, while some people enjoy practicing law, others do not.

Be assured, however, you have not wasted a minute by being in law school. The intellectual skills you are developing in law school are transferable to many fields and, contrary to popular belief, law graduates are highly respected for these skills. Also, there is no other degree that confers "professional" status on a graduate in as short a time. After three years of hard work (or not-so-hard) and the bar exam (if you wish), you will have entered the pantheon of American professionals as a lawyer, with all the commensurate awe (or disdain) that comes with the title "Esquire."

So, what can you do if you choose not to be a lawyer? Almost anything. What you need to do is think about what you want to do. Personal reflection and honest (critical) evaluation of your strengths and weakness, desires, and needs can be the best guide for what career you should pursue. Step back from the law school race and think about what is important.

The careers open to you as a law graduate include positions in business, education and government. But do not

See *Law as a Means* on page 8

inside...

Moot Column

The Docket

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Entertainment and Sports Law Journal Coming Together

by Mike Chase, Features Editor

Law students in the Entertainment and Sports Law Society (ESLS) are working hard to add another journal to the UB Law community. An Entertainment and Sports Law Journal is in the works and is already looking for a publisher.

"We're starting with nothing, but we've got high standards. We intend that someday, we'll be regarded as highly as University of Miami's," says Raymond Caso, 2L. The University of Miami has what is considered by most the finest such journal in the nation. "It's considered an authority by practitioners."

Caso and ESLS President Andrew Freedman, 3L, are working together to get the first issue out as soon as possible. "We're aiming for the end of this semester," adds Caso. They already have one article, about racism in the NCAA, ready to publish, and are soliciting another dealing with domestic violence and sports.

The ESLS is holding a fundraiser today and Thursday. They'll be selling University at Buffalo School of Law T-shirts on the first floor of O'Brian. According to Caso, "they're a lot better looking than the ones at the book store!" Caso also plans to make a request for funds from the SBA.

If you are interested in participating on the new journal, stop by Room 8, or submit a letter of intent to box #641.

JOIN THE OPINION!

Stop by Room 724
or drop a note in box
#640 for more info

Law as a Means,

continued from page 8

limit yourself to these settings or existing roles. The world is changing and there are sure to be new opportunities for someone with your training.

At the Career Development Office our resources and advice are not limited to law placement. If you are considering an area outside the law we have resources which can aid you in your search. The staff is more than willing to assist in whatever capacity possible.

In the month of April the Career Development Office is conducting a series of programs focusing on alternatives to legal careers. Speakers will include alumni who have chosen to use their law training in a non-attorney role. Details will be available in the upcoming weeks.

Major life decisions are not easy, but as the old show tune goes "it isn't so much you do what you like, but rather you like what you do."

Sean Shannon is a graduate assistant in the Career Development Office.

Moot Column

by Dan Killelea, Asst. Features Editor

A Call to Arms

"There is an evil which has been done to us; a most horrible evil, and one which cannot go unanswered."

I have no idea who said it, or why (or for that matter whether it was ever even said). But it fits right in with what I have to say. Sort of.

We who are second and third years may remember a weekend back in August of 1994 when a new life was brought into the world of FM radio. It was born at 101.1 megahertz and for an entire weekend we heard nothing but the music of U2. A good way to start, if a bit redundant.

We may remember with disdain the irritation of repeatedly hearing songs cut off before they were done, and not hearing the same songs' names. Nor hearing anything BUT the songs-- the idea of music without irritating DJ banter was a good one, but it would've been nice to find out a little something about these as-yet-unknown "New Music" tunes.

The silence ended, of course, with the nauseating blather of Cary (or was it Kerry?) Gray. But even

THAT wasn't entirely bad, because by then they had almost gotten the hang of playing out songs in their entirety, and there seemed to be a growing "humanity" to what we heard over the airwaves. That humanity is gone, my friends. And in its place has come the very antithesis of human existence-- DISCO.

It started out slowly, perhaps to accommodate the inevitable denial listeners would go through. We still heard good music before 5pm, and that was enough to keep us listening in the hopes that what was on at night was some sort of an aberration.

Sadly enough, it was not. For at the start of this VERY week, on Monday morning, it was revealed that the fight (if there ever was one) was lost. The voice on the air actually identified the station with the tagline "Dance Music 24 Hours a Day!"

"What can we do?" you may be asking yourselves. "A radio station has the freedom to choose whatever format it wishes, doesn't it?" Fortunately, what the radio station wants isn't an issue. Let's remember, we're going to be law-

yers-- it's our right (Nay-- our DUTY) to impose our own will onto others. And that's where the law comes in.

Those of you who read the last issue of the Opinion know well what the power of the law can do when someone actually has the nerve to decide not to marry you. So now I'm calling on you-- each and every one of you now reading these words-- to find a way we can stop the evil that's been done to us courtesy of FM 101.1. What THEY want shouldn't matter. Nor should the fact that they broadcast from another sovereign nation.

What matters is that they did something we don't like, and as larval lawyers we should do something about it. Maybe there's an implied contract, or a warranty here-- at the very least there's intentional infliction of emotional distress (and I think it safe to say that Disco music *per se* creates emotional distress). There must be something we can do-- so hit the library, hit the Westlaw terminals, hit back issues of People Magazine. With all of you to help, I don't see how we can be stopped.

UUAB FILMS

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Wednesday, February 28th:

6:30 pm	Faraway, So Close
9:00 pm	Seven

Thursday, February 29th

6:30 pm	Faraway, So Close
9:00 pm	Seven

Friday, March 1st

6:30 pm	Seven
9:00 pm	Seven
11:30 pm	The Shining

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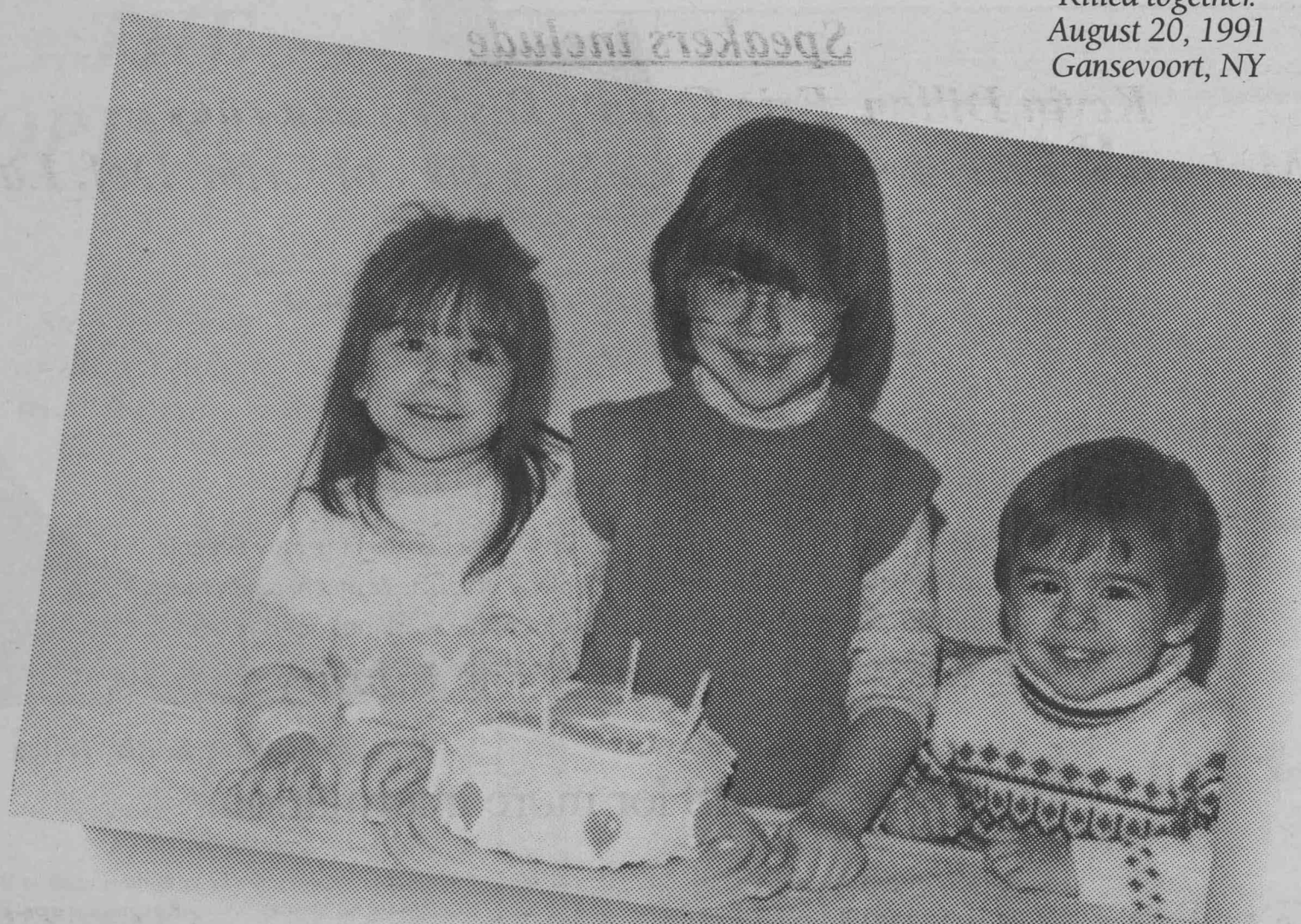
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Killed together.
August 20, 1991
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Enjoy the Barrister's Ball

Affirmative Action,*continued from page 1*

ing shoes, blood transfusions, mailboxes and the lightbulb filament, among many other contributions. She cites these accomplishments as reasons to continue Affirmative Action.

Sapp-Burgess closed her remarks by saying that Affirmative Action "...should be used as a tool to expand this great Nation. Look at what we have done. Step aside and let us show you what we can do. It will make us all proud."

Judge Troutman stated that although Affirmative Action gave her the opportunity to attend law school, it did not automatically allow her to pass the bar exam. She said that she would not have been well-served if she had been admitted to law school through Affirmative Action and then had lacked the ability to succeed.

The other panelists expressed their agreement with Judge Troutman's comment that Affirmative Action is simply a tool giving an opportunity to succeed to those who might otherwise be denied a chance.

SBA meeting,*continued from page 1*

but SBA is financially sound. We can't get at what is a substantially large pot of money."

The money that is "tied up" has been given to student groups, some of which will not use all of their funding. SBA will get that money back at the end of the year.

"The groups are not getting touched. Their monies are as is," Lindao said. However, the Domestic Violence Task Force and the Entertainment and Sports Law Society were each promised \$850. They will have to wait to receive their funding until the end of the year.

BPILP will also have to wait to get its matching grant. SBA does not have to give BPILP any funding because they are a separate entity, but has already promised matching funds. "If a group raises \$500, BPILP matches \$500. If they raise another \$500, we match fifty cents on the dollar," SBA Parliamentarian Pete Thompson explained.

"At the end of the year, BPILP will get its money," Lindao said.

Additionally, the Association of Women Law Stu-

dents and the trial technique team will be requesting funding in the near future. It is uncertain how much the SBA will be able to give them, if anything.

Other matters discussed included the possibility of joining the New York State Bar Association. "Every single New York State law school is a member except Buffalo," President George HamBoussi said.

If the Law School joined the New York State Bar Association, two students would attend three annual meetings in New York City. One student would be from the SBA and one would be from the general student population.

Prudence Fung and Bari Levant, 2L class directors, gave a report on the Barrister's Ball. All fifty subsidized tickets for non-law students had been sold, and almost 200 tickets had been sold to law students. All plans are going according to schedule.

Greg Mattacola, 1L class director, reported that Mercedes Lindao asked him to sit on the SBA's finance committee, and he has accepted the position. Lindao asked if there was anyone else who would be willing to be on the committee. Tim Benedict, 1L class director, also volunteered to participate.

Pete Thompson announced that applications for SBA executive board positions are due Thursday, February 29. "The next week we will be campaigning, and elections will be the Monday and Tuesday before Spring Break," Thompson said.

The Docket

DEATH PENALTY SYMPOSIUM

*Saturday, March 2, 1996**Registration ~ 8:15 am*

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